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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

2 TYCO HEALTHCARE GROUP LP d/b/a LEAD CASE NO. C08-03129 MMC
VNUS MEDICAL TECHNOLOGIES,)

13 Plaintiff, } GRIPE NO. 000-00000-00000

14 ||| v. ||| **PROPOSED ORDER GRANTING**

15 BIOLITEC, INC., DORNIER MEDTECH) PART AND DENTING INT'LY
16 AMERICA, INC., and NEW STAR LASERS,) DEFENDANTS' MOTION AND TVS's
17 INC. d/b/a COOLTOUCH, INC.,) MOTION FOR ADMINISTRATIVE
Defendants) RELIEF TO FILE DOCUMENTS
) UNDER SEAL (D.I. 224 and 232)

¹⁸ [CIVIL L. B. 7-11, 79-5(d)]

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES) CASE NO. C08-04234 MMC
) (consolidated with C08-03129 MMC)

21 Plaintiff

22 || Page

TOTAL LIVER SOLUTIONS, LLC 114

TOTAL VEIN SYSTEMS,

Defendant.)

||)

1 Before the Court is the Defendants' Motion and TVS's Motion to File Documents Under
 2 Seal dated July 16, 2010 (D.I. 224 and 232), by which Defendants seek leave to file under seal
 3 unredacted versions of certain documents submitted in conjunction with their reply briefs in support
 4 of their Motion for Summary Judgment that the '084 Patent Claims are Obvious ("Defendants' §
 5 103 Reply"), Motion for Summary Judgment that the Asserted '433 and '970 Claims are Invalid for
 6 Lack of Written Description ("Defendants' § 112 Reply"), and TVS's Motion for Summary
 7 Judgment of No Contributory Infringement (collectively, "Defendants' Reply Briefs"). Having
 8 reviewed the parties' submissions filed in support of the motions, the Court rules as follows:

9 1. The motions are GRANTED in part, specifically, as to the following documents that
 10 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed July 20, 2010),
 11 each of which the requesting party is directed to file under seal, no later than five calendar days
 12 from the date of this order. See General Order 62 ("If a motion to file under seal is granted in full
 13 or in part, the requesting party will e-file the document according the procedure outlined in the
 14 FAQs on the ECF website.").

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- 16 • Exhibit 73 to the Declaration of Charles T. Steenburg in Support of Summary
 Judgment Reply Briefs Filed by biolitec, Inc. and Other Defendants, filed on July
 16, 2010

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- 18 • Redacted pages 1 (ln. 18) and 2 (lns. 12-16) of Defendants' § 112 Reply, filed on
 July 16, 2010

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- 20 • Redacted page 6 (lns. 19-22, 27-29) of Defendants' § 103 Reply, filed on July 16,
 2010.

21 2. The motions are DENIED in part, specifically, as to the following documents, in
 22 light of plaintiff's having withdrawn its prior designation of confidentiality, each of which the
 23 requesting party is directed to file in the public record no later than five calendar days from the date
 24 of this order.

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- 26 • Exhibit FFF to the Declaration of John K. Buche in Support of the Reply to VNUS's
 Opposition to TVS's Motion for Summary Judgment of No Contributory
 27 Infringement, filed on July 16, 2010

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1 • Designated portions of Defendants' Reply Briefs not identified above.

2 IT IS SO ORDERED.

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4 Dated: July 28, 2010

5 _____/s/ Vaughn R Walker for_____
6 HON. MAXINE M. CHESNEY
7 United States District Judge

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